

REMARKS

Claims 1-12, 14-22, 24 and 25 are pending in the application. Reconsideration in view of the following remarks is kindly requested.

Status of Case

The pending application has been returned to ex-parte prosecution after the filing of an Appeal Brief on January 21, 2003. In the ensuing non-final office action, the Examiner has indicated some claims allowed, and further claims rejected.

Allowable Subject Matter

Applicants acknowledge the Examiner's indication that claim 1 is allowed. However, Applicants further submit that claims 2-12, 14 and 15 are also allowed, and request the Examiner to indicate the allowability of those claims in the next Office Action.

Claim Rejections

Claims 16-22, 24 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sporre (U.S. Patent 5,966,657), in view of Wallstedt, et al. (U.S. Patent No. 5,854,981) and newly applied Genell, et al. (U.S. Patent No. 6,122,505). This rejection is respectfully traversed.¹

Applicants submit that Sporre fails to teach or suggest a method of making operational measurements in a wireless communication system, comprising at least the step of "sending a

¹ The header of the rejection indicates that the claims are rejected over Sporre in view of only Genell et al., but the body of the rejection indicates that the claims are rejected over the combination of Sporre, Wallstedt and Genell.

measurement request from a first base station to at least a second base station, said measurement request requesting said second base station to make operational measurements of at least one signal transmitted by said first base station; in combination with the other features claimed in independent claim 16.

The Examiner alleges that such is taught, reciting on page 2 of the Office Action that “it is considered that the base station B9 orders mobile station M3 of Fig. 1 to make periodic signal quality measurements on the downlink BCCH channels”. However, claim 1 requires that the first base station send a measurement request to a second base station, and that the second base station make operational measurements of at least one signal transmitted by the first base station. This is not taught in Sporre.

The Examiner acknowledges that Sporre is deficient, but alleges that Wallstedt teaches such a feature, citing Fig. 4C, Col. 2, Lines 30-67; Col. 4, Lines 28-66; and Col. 7, Line 20-Col. 8, Line 52 in Wallstedt. Applicants have reviewed these passages, and do not see where a second base station receives a measurement request from a first base station requesting the second base station to make operational measurements of at least one signal transmitted by the first base station. In fact, the Examiner has not explicitly pointed out where such is taught in those passages, which are summarized below.

Column 2, Lines 30-67

This passage briefly describes an example of handoff, a handoff measurement process and in particular a mobile assisted handoff (MAHO) process. In MAHO, a handoff measurement is performed at the mobile station during a time when the mobile station is neither transmitting nor receiving. During times between signal bursts in an ongoing call, the mobile station

periodically monitors radio channels of each base station, measuring measurement channels of neighboring base stations. The mobile station also measures received signal strength on the current channel in which the call is proceeding. However, nowhere does Wallstedt indicate that the mobile station is receiving an instruction to do so from a second base station receiving a measurement request from a first base station.

Column 4, Lines 28-66

This passage recites part of the summary of the invention. In particular, collected data indicative of the quality of handoffs from a selected cell are sent to each of the neighboring database stations. A plurality of quality values, each associated with a selected cell in one of the neighboring cells, and one or more neighboring cells, are determined from the collected data. The passage further describes how characteristics of a selected mobile station are used with quality values to generate a cell list specific to a selected mobile and selected cell, and describes types of collected data. Nowhere is there a teaching or suggestion of a second base station receiving a measurement request from a first base station to make operational measurements of at least one signal transmitted from the first base station. This is because this passage is written from the point of view of the mobile station, and not of communicating base stations.

Column 7, Lines 20 – Column 8, Line 52

The second half of Column 7 is directed to a MAHO procedure of U.S. Patent '957 to Dahlin. A mobile station measures signal strength and bit error rate and transmits results of the measurements (as an average) to a base station in its cell. The base station also measures its own

signal strength and bit error rate and analyzes the results of its own measurements and those of the mobile, for comparison with a handoff criteria. Then, the base station informs a mobile switching center (MSC) of at least one target base station suitable for taking over the responsibility for communication with a mobile. This is not transferring measurement instructions to the mobile to make operation measurements for one signal transmitted by the "handing-off" base station.

Although not clear by the Office Action, the Examiner apparently cites Genell, which is directed to a method for testing a base station, for an alleged teaching of a received signal quality parameter at a tested base station under test, that is measured. The measured signal quality parameter is reported to a central controller. It is unclear what relevance Genell has to the "sending" feature recited in claim 16. In other words, it is unclear from the Office Action why the Examiner would modify Sporre and Wallstedt with Genell in order to teach sending a measurement request from one base station to another base station to make operational measurements of at least one signal transmitted by the first base station, as recited in claim 16. For at least this further reason, the rejection fails.

Accordingly, the Examiner has not explicitly identified any passage or teaching in the three references which teaches or suggests the sending feature recited in independent claim 16. Moreover, the Examiner has not made a prima facie case of obviousness to combine any of the three references in order to provide a rejection teaching each and every recited feature in claim 16, and or in the dependent claims therefrom. Withdrawal of the rejections of each of claims 16-22, 24 and 25 is therefore earnestly solicited.

CONCLUSION

Prompt and favorable consideration of this Reply is respectfully requested. All of the stated grounds of rejection have been properly traversed, accommodated, and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite the prosecution of this application, the Examiner is invited to telephone Timothy R. Wyckoff (Reg. No. 46,175) at (703) 668-8000 in the Northern Virginia area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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